

Serial No. 09/914,807

Attorney Docket No. 10543-028

REMARKS

In response to the Office Action mailed December 24, 2003, kindly enter the foregoing amendment and consider the following remarks. Pursuant to 37 CFR §1.112, Applicants request reconsideration of each and every ground of rejection set forth in the Office Action.

The Office Action and the references cited therein have been carefully considered. In this Amendment, claims 31 and 41 have been canceled, in claims 19, 20, 24, 28, 35, 40 and 42 have been amended. Thus claims 19-30, 32, 40 and 42 are pending and are at issue herein. In view of these amendments and the following remarks, favorable reconsideration of this application is requested.

ALLOWABLE SUBJECT MATTER

The Applicants would like to thank the Examiner for indicating allowable subject matter. Specifically, the Examiner noted on page 3 of the current Office Action that claims 20-23, 30 and 31 would be allowable if rewritten to overcome the rejections under 35 U.S.C. §112, second paragraph, and to include all the limitations of any intervening claims. Accordingly, the Applicants have amended claim 28 to overcome the rejection under 35 U.S.C. §112 and to incorporate the subject matter of claim 31, indicated as allowable. At this time, the Applicants have not amended any of the other claims into independent format, as independent claims 19 and 40 are believed to be in condition for allowance.

CLAIM REJECTIONS UNDER 35 USC §112

Claims 19, 26-29 and 32-39 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. In particular, the Examiner objected to claim 19 reciting a method of controlling a vehicle, where the remainder of the claim only recites detection and evaluation steps. The Examiner also objected to the comparing step in claim 28, noting that the claims are silent as to what the

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characteristics are compared to.

The Applicants respectfully assert that the claims are sufficiently definite and satisfy the requirements of 35 U.S.C. 112. Accordingly, the amendments herein are not made for reasons related to patentability, but rather are made in order speed the application to issuance. Claim 19 has been amended to include the step of providing torque to at least one vehicle wheel having sufficient traction with the ground. Thus, it should be absolutely clear that the Applicant is controlling the vehicle. Note the Applicants reiterate the remarks in the prior Response to Office Action and the interview regarding the absence of any requirement to meet the objective specified in the preamble of a claim. Claim 28 has been amended to recite that the step of comparing a characteristic of each of the individual, driven wheels, to the other driven wheels. Accordingly, claims 19 and 28 are sufficiently definite and the Applicants respectfully request the Examiner reconsider and withdraw this rejection.

Other noted informalities in claims 35 and 41, namely typographical errors, have been amended.

CLAIM REJECTIONS UNDER 35 USC §102

Claim 19 stands rejected under 35 U.S.C. §102(b) as being anticipated by Henry (U.S. Pat. No. 3,707,298). The Examiner simply states that the Henry reference discloses a method of detecting and evaluating a diagonal axle twist.

The Applicants have thoroughly reviewed the Henry reference, including the portion cited by the Examiner (col. 1, lines 17-32) and have not found any disclosure of the detection and evaluation of a diagonal axle twist. What the Examiner has cited is a portion of the background section of the Henry reference which notes that any axle may have a diagonal axle walk relative to the vehicle frame which occurs when the wheels at the opposite ends of the axle encounter unlike irregularities in a road or off-the-road surface. The reference summarizes this condition as a torsional force placed on the single axle.

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To the contrary, the present invention, as recited in claim 19, recites the step of detecting a diagonal axle twist condition in which two diagonally opposite wheels lose sufficient traction with the ground. As noted in the prior response, the Applicants have directed the Examiner's attention to paragraphs [0032-0039] of the specification which provides detailed information regarding a diagonal axle twist condition. Further, paragraph [0034] describes the term "two diagonally opposite wheels".

It is respectfully submitted that the Henry reference merely provides a background and nonenabling discussion of the varying torsional forces on an axle of a vehicle, such forces causing some diagonal walk or rotation about a vertical axis on the axle.

For these reasons, the Applicants respectfully assert that the Henry reference does not disclose the method recited in claim 19, including the step of detecting a diagonal axle twist.

Claims 40-42 stand rejected under 35 U.S.C. §102(b) as being anticipated by the Leiber reference (U.S. Pat. No. 4,589,511). As noted by the Examiner, the Leiber reference discloses an electronic system 6 which evaluates the slip of the wheels.

Unlike the Leiber reference, claim 40, as amended, recites, among other things, a second and third evaluation circuit evaluating the slip of two diagonally opposite wheels for detecting a diagonal axle twist and two diagonally opposite wheels. It is respectfully submitted that neither the Leiber reference nor any of the other cited references discloses evaluating the slip of two diagonally opposite wheels for detection of a diagonal axle twist, as has been previously discussed and defined in the specification of the present application.

For these reasons as well as all the reasons given above, the Applicants respectfully request reconsideration of the rejection of claims 40 and 42.

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CLAIM REJECTIONS UNDER 35 USC §103

Claim 24-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Henry reference as applied to claim 19 above, and further in view of the Leiber reference (U.S. Pat. No. 4,589,511). First, the Applicants reiterate the remarks given above with regard to claim 19 and the Henry reference. For these reasons, the Applicants will not address the propriety of the combination and modifications proposed by the Examiner. However, the Applicants would like to note that the Examiner has relied on the Leiber reference for disclosure of using wheel brakes to control a vehicle. However, claim 25 recites the step of reducing a control threshold of the traction sub-control system, claim 26 recites that the evaluating step is only performed when the vehicle speed falls below a specified value, and claim 27 gives a range for the specified value. The Examiner has not shown how the Leiber reference discloses any of these elements, nor have Applicants been able to find disclosure of such elements in the Leiber reference.

For these reasons and all the reasons given above, the Applicants respectfully request reconsideration of the rejection of claims 24-27.

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CONCLUSION

In view of the preceding amendments and remarks, the Applicants respectfully submit that the specification is in order and that all of the claims are now in condition for allowance. If the Examiner believes that personal contact would be advantageous to the disposition of this case, the Applicants respectfully request that the Examiner contact the Attorney of the Applicants at the earliest convenience of the Examiner.

Applicants have calculated no fees to be presently due in connection with the filing of this Paper. However, Applicants have authorized charging of any fee deficiency to the deposit account of Applicants' assignee, Visteon Global Technologies, Inc., as indicated in the Transmittal accompanying this Statement.

3/10/04
Date

Respectfully submitted,

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